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March 9, 2023

VIA ECF

MEMO ENDORSED

The Honorable Katherine Polk Failla
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2103
New York, NY 10007

Re: *Huzhou Chuangtai Rongyuan Investment Management Partnership, et al. v. Hui Qin*, Case No. 21 Civ. 9221 (KPF) – **Petitioners’ Request for Leave to File Documents with Redactions and Under Seal**

Dear Judge Failla:

We write on behalf of Petitioners Huzhou Chuangtai Rongyuan Investment Management Partnership, Huzhou Huihengying Equity Investment Partnership, and Huzhou Huirongsheng Equity Investment Partnership (“Petitioners”) to request leave to file certain documents with redactions and certain documents under seal, pursuant to the parties’ Stipulated Protective Order dated January 3, 2023, Dkt. No. 92.

In conjunction with Petitioners’ Reply in Support of their Motion to Compel filed contemporaneously herewith, Petitioners respectfully request to file the following documents with redactions pursuant to Rule 9(B) of Your Honor’s Individual Rules of Practice in Civil Cases: (i) the Reply Memorandum of Law in Support of Petitioners’ Motion against Qin; (ii) the Reply Memorandum of Law in Support of Petitioners’ Motion against Seiden Law; and (iii) the Declaration of Carol Lee, dated March 9, 2023 (“Lee Decl.”). Pursuant to Rule 9(C) of Your Honor’s Individual Rules of Practice in Civil Cases, Petitioners respectfully request to file under seal the following exhibits to the Lee Decl., to be accessed by Your Honor and Respondent Hui Qin (“Qin”):

Exhibit	Description
Lee Decl. Ex. 1	Petitioners’ First Set of Post-Judgment Demands for Production of Documents to Hui Qin
Lee Decl. Ex. 2	A document bates-stamped XUE0000076, as produced in this action and marked CONFIDENTIAL
Lee Decl. Ex. 3	An email from Qin’s former counsel, Benjamin Xue, to Petitioners’ counsel dated January 31, 2023

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Lee Decl. Ex. 4	A document bates-stamped Qin_00001751-64, as produced in this action and marked CONFIDENTIAL
Lee Decl. Ex. 5	A document bates-stamped Qin_00002422-2438, as produced in this action, and marked CONFIDENTIAL

Pursuant to Rule 9 of Your Honor’s Individual Rules of Practice in Civil Cases, a party seeking to file a document under seal must address the presumption in favor of public access to judicial documents. The Second Circuit set forth the relevant standard *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). Under *Lugosch*, “[t]here is a common law presumption in favor of permitting public access to judicial documents, which are those documents ‘relevant to the performance of the judicial function and useful in the judicial process.’” *GoSMiLE, Inc. v. Dr. Jonathan Levine, D.M.D. P.C.*, 769 F. Supp. 2d 630, 649 (S.D.N.Y. 2011) (quoting *Lugosch*, 435 F.3d at 119). A court balances this common law presumption of access against competing comparisons, including “the privacy interests of those resisting disclosure.” *Lugosch*, 435 F.3d at 120 (quoting *United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995)). Thus, the issue is whether “the privacy interests of the defendants outweigh the presumption of public access.” *GoSMiLE*, 769 F. Supp. 2d at 649-50.

Here, the Memoranda of Law, the Lee Decl., and Lee Decl. Exhibits 1-5 all contain sensitive personal identifying information, such as Qin’s addresses, bank account information, tax returns, and properties. Certain of these documents were also marked Confidential pursuant to the Stipulated Protective Order by Qin and by his former counsel. The parties’ interest in protecting confidential information, specifically sensitive personal identifying information, overcomes the presumption of access. Indeed, Your Honor has previously granted Petitioners’ request to file under seal certain exhibits to protect certain sensitive personal identifying information, which was clearly visible. *See* Dkt. No. 58.

Because these documents contain confidential information of the kind that is deserving of protection and restricting public access, Petitioners respectfully request that the Court grant their request to redact their Memoranda of Law and the Lee Decl., and to file Lee Decl. Exhibits 1-5 under seal.

Petitioners further note that they have redacted sensitive information from Lee Decl. Exhibits 8-10 pursuant to Rule 9(A) of Your Honor’s Individual Rules.

Respectfully submitted,

/s/ Geoffrey Sant
Geoffrey Sant

cc: All counsel of record (via ECF)

Application GRANTED. The Clerk of Court is directed to maintain docket entries 127, 129, and 131 under seal, viewable only to the parties and the Court.

The Clerk of Court is further directed to terminate the motion at docket entry 124.

Dated: March 10, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE